



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7003 1680 0000 6167 6605

July 15, 2008

Mr. Gary R. Blatnick, Director
Del Norte County
Department of Health and Human Services
880 Northcrest Drive
Crescent City, California 95531

Dear Mr. Blatnick:

The California Environmental Protection Agency (Cal/EPA), Governor's Office of Emergency Services, and the State Water Resources Control Board conducted a program evaluation of the Del Norte County Department of Health and Human Services Certified Unified Program Agency (CUPA) on June 4 and 5, 2008. The evaluation was comprised of an in-office program review and field oversight inspection by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Del Norte County Department of Health and Human Services' program performance is unsatisfactory with improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA Unified Program that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Jennifer Lorenzo every 90 days after the evaluation date. The first report is due on September 3, 2008.

Cal/EPA also noted during this evaluation that Del Norte County Department of Health and Human Services has maintained an excellent relationship with its regulated community, making compliance easy to achieve. We will be sharing this with the larger CUPA community through the Cal/EPA Unified Program Web site.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc/Sent via email:

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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Enclosure



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: DEL NORTE COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES

Evaluation Date: June 4 and 5, 2008

EVALUATION TEAM

Cal/EPA: Jennifer Lorenzo
OES: Brian Abeel/Radhika Majhail
SWRCB: Marcele Christofferson

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. Questions or comments can be directed to Jennifer Lorenzo at (916) 327-9560.

	<u>Deficiency</u>	<u>Corrective Action</u>
1	<p>The CUPA is not implementing its fee accountability program. Facilities are billed using the Single Fee system and the fees are collected; however, during the evaluation, it was unclear how the CUPA determined its current fee schedule. All of the direct, indirect, and staff costs (CUPA expenses) have not been thoroughly considered in the development of the fee schedule. The CUPA does not know approximately how much revenue it needs to collect through fees to cover the implementation costs of the Unified Program.</p> <p>CCR, Title 27, Section 15220 [Cal/EPA]</p>	<p>By December 2, 2008, the CUPA shall implement its fee accountability program per its policies and procedures and in accordance with the law.</p>
2	<p>The CUPA is not accurately reporting some items requested on its Annual Inspection Summary Report 3. The return to compliance (RTC) information on report 3 does not correspond with the violations information and enforcement actions on the CUPA's Annual Enforcement Summary Report 4.</p> <p>The CUPA uses Access to track inspections for the underground storage tank (UST) program only; however, no mechanism, such as a database, is in place to track all inspections, violations, and RTC information for the Unified Program elements.</p> <p>CCR, Title 27, Section 15290 (a)(2) [Cal/EPA]</p>	<p>By September 3, 2008, the CUPA will develop and implement an action plan to ensure that inspections, violations, and RTC information are tracked, such as a database system.</p> <p>By September 30, 2009, the CUPA will submit an Annual Inspection Summary Report that will be complete and accurate.</p>
3	<p>The CUPA is not fully tracking and accurately reporting violations information and enforcement actions taken on</p>	<p>By September 3, 2008, the CUPA will develop and implement an action plan to</p>

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	<p>its Annual Enforcement Summary Report 4. The CUPA has no mechanism, such as a database, in place to track all violations, RTC information, and enforcement actions taken for the Unified Program elements.</p> <p>CCR, Title 27, Section 15290 (a)(3) [Cal/EPA]</p>	<p>ensure that violations information and enforcement actions taken are tracked.</p> <p>By September 30, 2009, the CUPA will submit an Annual Enforcement Summary Report that will be complete and accurate.</p>
4	<p>The CUPA has not developed and implemented a procedure for issuing a Unified Program facility permit.</p> <p>HSC, Chapter 6.11, Section 25404.2 (a)(1)(A) and CCR, Title 27, Section 15190 [Cal/EPA]</p>	<p>By June 1, 2009, the CUPA will develop and fully implement a consolidated permitting process for its regulated community.</p> <p>Beginning September 3, 2008, the CUPA will submit a report of their progress toward correcting this deficiency, including a sample Unified Program Facility Permit recently issued, if available.</p>
5	<p>The CUPA's Inspection and Enforcement (I&E) Program Plan does not contain some required elements. It is missing the following:</p> <ul style="list-style-type: none"> • Identification of all available enforcement options, such as red tags for the UST program. • A graduated series of enforcement actions that may be taken by the CUPA based on the severity of the violation. • The current inspection frequency for each of the Unified Program elements. The only record of inspection frequencies is found in the CUPA's original application. <p>CCR, Title 27, Section 15200 (a)(3), (6), & (9) [Cal/EPA]</p>	<p>By December 2, 2008, the CUPA will update its I&E Program Plan to include all current requirements.</p>
6	<p>The CUPA is not documenting its inspections for the hazardous materials business plan (business plan) and California Accidental Release Prevention (CalARP) programs in a manner consistent with its I&E Program Plan. According to the CUPA's I&E Program Plan, a copy of the inspection report must be left with the facility at the conclusion of an initial inspection. Per the CUPA's I&E Program Plan, the inspection report includes a list of violations and the timeframes for correcting them. However, the only record of inspections found in the business plan and CalARP facility files are one-page inspection sheets. Each inspection sheet consists of rows for the date (of the inspection) and rows for comments. In addition, the inspection sheet does not identify the facility's name or address. Also, of the nine hazardous</p>	<p>The CUPA will follow its I&E Program Plan.</p> <p>By September 3, 2008, the CUPA will develop detailed inspection checklists for the business plan and CalARP programs.</p>

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	<p>waste generator facility files reviewed, one file (Caltrans in Crescent City) did not contain documentation of the hazardous waste generator components reviewed during the facility's inspection.</p> <p>HSC, Chapter 6.5, Section 25185 (c)(2)(A) and CCR, Title 27, Section 25200 (a) [Cal/EPA]</p>	
7	<p>The CUPA is not conducting hazardous waste generator inspections with a frequency consistent with its I&E Program Plan, which is annual.</p> <p>Based on the Annual Inspection Summary Report 3, the CUPA has inspected 30 percent of its hazardous waste generators in fiscal year (FY) 04/05, 24 percent in FY 05/06, and 20 percent in FY 06/07. In addition, of the nine facility files reviewed, eight facilities located in Crescent City have not been inspected within the last three years:</p> <ul style="list-style-type: none"> • Hambro Forest Products, Inc., was last inspected on July 3, 2003. • Two Guys was last inspected on February 9, 2005. • Fashion Blacksmith was last inspected on January 18, 2001. • Coast Auto Center was last inspected on April 14, 2003. • Caltrans was last inspected on February 8, 2002. • There is no documentation that the U.S. Coast Guard has ever been inspected. • There is no documentation that Express Lube N Wash has ever been inspected. • Del Norte Disposal was last inspected on February 17, 2004. <p>CCR, Title 27, Section 15200 (a)(3)(A) [Cal/EPA]</p>	<p>By December 2, 2008, the CUPA will update its I&E Program Plan to reflect a realistic goal for inspecting its hazardous waste generator facilities.</p> <p>By December 2, 2008, the CUPA will develop a strategy and begin implementation of a plan to ensure adherence to the inspection frequency per its revised I&E Program Plan.</p> <p>Beginning September 3, 2008, the CUPA will submit a status of their progress, including the total number of regulated facilities and the number of routine compliance inspections conducted.</p>
8	<p>The CUPA is not inspecting its hazardous materials business plan facilities with a frequency consistent with its I&E Program Plan, which is annual.</p> <p>Based on the Annual Inspection Summary Report 3, the CUPA has inspected 27 percent of its hazardous materials business plan facilities in FY 04/05, 39 percent in FY 05/06, and 25 percent in FY 06/07. In addition, of the 19 files reviewed, only three businesses were inspected within the last year, which is below the CUPA's annual inspection frequency goal. However, eight facilities were inspected within the last three years, meeting the minimum state mandated triennial inspection frequency.</p>	<p>By December 2, 2008, the CUPA will update its I&E Program Plan to reflect a realistic goal for inspecting its hazardous materials business plan facilities.</p> <p>By December 2, 2008, the CUPA will develop a strategy and begin implementation of a plan to inspect all business plan facilities according to its revised I&E Program Plan.</p> <p>Beginning September 3, 2008, the CUPA will submit a status of their progress, including the number of regulated</p>

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	HSC, Chap. 6.95, Section 25508 (b) and CCR, Title 27, Section 15200 (a)(3) [Cal/EPA & OES]	facilities and the number of routine inspections conducted.
9	<p>The CUPA is unable to document that some facilities that have received a notice to comply citing violations have returned to compliance within an established timeframe. Either the CUPA must provide the business with a self-certification form per its I&E Program Plan and ensure that the RTC certification has been received in order to document compliance or, in the absence of compliance certification, the CUPA must use a follow-up process to confirm that compliance has been achieved.</p> <p>HSC, Chapter 6.5, Section 25187.8; CCR, Title 27, Section 15200 [Cal/EPA] and CCR, Title 23, Section 2712 (e) and (f) [SWRCB]</p>	<p>The CUPA will follow its I&E Program Plan.</p> <p>By December 2, 2008, submit examples of RTC or a complete follow-up report for a hazardous waste generator site and an UST facility.</p>
10	<p>Not all of the UST files contained the most recent forms, and some of the required permit submittals were absent in a few of the files; some of the submittals were unsigned, or they did not contain all of the required elements.</p> <p>HSC, Chapter 6.7, Section 25286 (a) and CCR, Title 23, Section 2711 (a) [SWRCB]</p>	By January 1, 2009, the CUPA will require all UST facility owners to complete new forms A, B, and D, and will ensure that all submittals (including response and plot plans) are in the files and that they contain all of the required elements.
11	<p>The UST Permit to Operate/Conditions does not contain the language that the owner/operator will be compliant with article 16 and 18 of the California Code of Regulations title 23. Additionally, the permit and the conditions do not contain language that requires the plot plan to be maintained on site.</p> <p>CCR, Title 23, Sections 2712 (h) and (i) [SWRCB]</p>	By July 1, 2008, the CUPA will add the additional language to the Permit to Operate/Conditions that states that the owner/operator will maintain compliance with California Code of Regulations title 23, chapters 16 and 18 and that the plot plan is to be maintained on site.
12	<p>The UST inspection checklist does not include items necessary for a complete inspection. The checklist is very basic and the inspection reports reviewed did not always include RTC dates. In addition, during the UST oversight inspection on May 22, 2008, the on site paperwork was not reviewed.</p> <p>HSC, Chapter 6.7, Sections 25288 (a) and (b) and CCR, Title 23, Section 2712 (e) [SWRCB]</p>	By September 30, 2008, the CUPA will develop a more comprehensive inspection checklist, and develop a plan to ensure that RTC dates are included on the inspection report. The CUPA will develop a plan to ensure that all items are reviewed during a compliance inspection and include it in their revised I&E Program Plan.
13	<p>The CUPA does not have an installation/plan check checklist to ensure that proposed installations meet all of the required criteria.</p> <p>CCR, Title 23, Section 2635 (d)(5) [SWRCB]</p>	By January 1, 2009, the CUPA will develop a plan check checklist, to ensure that all installation criteria are met before an installation permit is issued.

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14	<p>The CUPA's UST ordinance does not reference adoption of Health and Safety Code chapters 6.7 and 6.75, or California Code of Regulations title 23, chapters 16 and 18 requirements for consistency with the regulation, requirement or standard of performance.</p> <p>HSC, Chapter 6.7, Section 25299.2 [SWRCB]</p>	<p>By January 1, 2009, the CUPA shall amend the local UST ordinance to reference the Health and Safety Code and California Code of Regulations title 23 requirements to ensure compliance with state standards.</p>
15	<p>The CUPA is not inspecting each stationary source at least once every three years for compliance under the CalARP program. Although the CUPA's Annual Inspection Summary Reports state that the CUPA has conducted CalARP inspections, there is no documentation to support that the stationary sources have been inspected within the last three years under the CalARP program. This deficiency was originally identified during the CUPA's previous evaluation in June 2005 and remains outstanding.</p> <p>Based on a letter, dated March 12, 2008, from the one remaining CalARP facility (Smith River Community Services District) to Del Norte County CUPA, the facility stated that they will be replacing their existing disinfecting system, which uses chlorine gas, with sodium hypochlorite (13 percent). However, as of June 5, 2008, the building application for this facility was still under review by the Engineering Department of Del Norte County.</p> <p>HSC, Chapter 6.95, Section 25537 (a); CCR, Title 19, Section 2775.3 [OES] and CCR, Title 27, Section 15200 (a)(3)(A) [Cal/EPA]</p>	<p>Until the regulated substance (chlorine) is no longer present at the stationary source, the CUPA must continue to inspect the facility under the CalARP program.</p> <p>Beginning September 3, 2008, the CUPA will submit a status of their progress, including the status of the facility. Also, once the CalARP facility has converted over to hypochlorite and no longer has any chlorine on site, please notify Cal/EPA and OES.</p>
16	<p>The CUPA did not initiate enforcement actions when appropriate.</p> <p>For example, on May 13, 1999, the CUPA initially requested a Risk Management Plan (RMP) from the Smith River Community Services District, a CalARP facility. The facility's RMP submittal was due May 1, 2002. As of June 5, 2008, the facility has not submitted its RMP and, thus, been out of compliance since May 2002.</p> <p>The facility currently uses gas chlorine for water disinfection. The facility plans to replace their existing disinfecting system with another, and substitute chlorine gas for sodium hypochlorite.</p> <p>CCR, Title 27, Section 15200 (e) [Cal EPA & OES]</p>	<p>Until the regulated substance (chlorine) is no longer present at the stationary source, the facility remains subject to the CalARP program. Therefore, the CUPA must follow through with their formal enforcement process as outlined in its I&E Program Plan.</p> <p>The CUPA will immediately initiate enforcement action against the Smith River Community Services District for not submitting a RMP.</p>

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17	<p>The CUPA is not indexing the hazardous materials business plan files by street address and company name.</p> <p>HSC, Chapter 6.95, Section 25506 (a) [OES]</p>	<p>By September 3, 2008, the CUPA shall index business plan files by street address and company name.</p>
18	<p>The CUPA did not ensure that each business annually submits its hazardous materials inventory or a certification statement on or before March 1 to the CUPA. The CUPA typically sends out a billing invoice for business plan facilities once a year. At this time, the CUPA includes a no change certification for the businesses to sign and submit or instructs the CUPA to submit updated inventory information. This year the billing invoices were not sent as usual. This error was corrected by sending out the billing invoices later than usual. This resulted in businesses not submitting a no change certification or updated inventories to the CUPA prior to the annual inventory update deadline of March 1. Upon reviewing eight CUPA business plan files, only one had a current no change certification for 2008. One file contained a complete updated business plan for 2008. The remaining six files did not contain either a current no change certification or proof of updated inventories for 2008.</p> <p>HSC, Chapter 6.95, Section 25505 (d) and CCR, Title 19, Section 2729.4 & 2729.5 [OES]</p>	<p>By September 1, 2008, the CUPA shall develop a mechanism to ensure that each business annually submits its hazardous materials inventory or a certification statement on or before March 1.</p>
19	<p>The CUPA did not ensure that all the business plans are complete and accurate.</p> <p>Business plans from several files were missing one or more of the following:</p> <ul style="list-style-type: none"> • Owner/Operator/Designative Representative Signatures; • Business Owner Information; • Dates; • Inventory field information (chemical location, hazardous material types, physical state, hazardous component (for mixtures)); • Emergency procedures; and • Training program. <p>Most notably, the CUPA did not ensure businesses that report mixtures of hazardous materials identify the hazardous components in the mixture by chemical name, percent weight, and Chemical Abstract Service (CAS) numbers. Five of the eight files reviewed contained hazardous materials mixture inventories which no</p>	<p>By September 3, 2008, the CUPA shall develop an evaluation/review process to ensure that all business plans are complete and accurate.</p>

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	hazardous components were identified as required. HSC, Chapter 6.95, Sections 25505 (a)(2), 25505 (d) and 25509 (a)(4) and CCR, Title 19, Section 2729.2 (d) [OES]	
20	<p>The CUPA did not ensure businesses are certifying to them at least once every three years that they reviewed their business plan and that necessary changes were made to the plan. Five of the eight files reviewed did not have business plans dated within the last three years and the proof that these plans had been reviewed and updated or are still valid.</p> <p>HSC, Chapter 6.95, Section 25505 (c) [OES]</p>	By September 3, 2008, the CUPA shall develop a mechanism to ensure that each business reviews their business plan and that necessary changes are made to the plan.
21	<p>The CUPA's area plan does not contain some required elements. The CUPA's area plan did not contain the following:</p> <ul style="list-style-type: none"> • Model reporting form (CCR, Title 19, Section 2729 (a)); • Monitoring guidelines and complete decontamination procedures (CCR, Title 19, Section 2722 (b)); • Planning & Coordination provisions (CCR, Title 19, Section 2723 (b)); • Emergency Funding Access; Description and details of federal and state funding, except for the State Emergency Reserve Account (CCR, Title 19, Section 2723 (c)); • Disposal Facility and Emergency Response Contractor Access (CCR, Title 19, Section 2723 (d)); • Training Documentation & Exercises (CCR, Title 19, Section 2725 (b) (1, 2)); • Evacuation Plans elements (CCR, Title 19, Section 2726 (e)); • Listing & Description of Supplies & Equipment (CCR, Title 19, Section 2727 (a)); • Equipment Testing and Maintenance (CCR, Title 19, Section 2727 (b)); and • Incident Critique and Follow-up of major incidents (CCR, Title 19, Section 2728). <p>HSC, Chapter 6.95, Section 25503 (c) and CCR, Title 19, Sections 2720 (c), 2722 (b), 2723 (b-d), 2725 (b) (1, 2), 2726 (e), 2727, and 2728 [OES]</p>	By December 2, 2008, the CUPA shall update their area plan to contain all the required elements.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

CUPA Representative

MELODY M. CANNON
(Print Name)

Original signed
(Signature)

Evaluation Team Leader

JENNIFER L. LORENZO
(Print Name)

Original signed
(Signature)

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

- 1. Observation:** Cal/EPA observed that the CUPA has a high single fee collection rate of approximately 89.8 percent, 90.0 percent, and 92.3 percent for the last three fiscal years.
- 2. Observation:** The CUPA has a mechanism to receive comments, feedback or complaints through telephone calls, via electronic mail, in person, or in the form of a written documentation (such as a letter from a regulated business). The CUPA also developed a written survey questionnaire at the time of the CUPA's original application.

Recommendation: Cal/EPA encourages the CUPA to make the survey available at the CUPA's office, as an additional tool for the public to provide feedback to the CUPA.

- 3. Observation:** Del Norte County contracts with the State Department of Public Health, Local Public Health Services Section (LPHSS), for environmental health services. In addition to administering, implementing, and enforcing the Unified Program, the CUPA also provides other public health services for the County of Del Norte, such as food protection, vector control, water well and water system oversight, sewage disposal, solid waste, land use, and housing complaints and nuisance abatement. The CUPA has had two state-contract environmental scientists since 1995. However, one CUPA staff retired at the end of May and he implemented the business plan, CalARP, AST, and hazardous waste generator programs. The second inspector's last day with the County of Del Norte will be on June 27, 2008. This one remaining CUPA staff is the lead environmental scientist, oversees the administrative functions of the CUPA program and also implements the UST program. The state contract ends as of June 30, 2008.

Recommendation: To ensure the continuity and sustainability of the CUPA program within the County of Del Norte due to an unsuspected, unforeseen, abrupt vacancy of the only remaining CUPA inspector's position, or to maintain the basic functions of the CUPA program due to any extended absence of the CUPA staff, Cal/EPA strongly recommends that the County of Del Norte recruit or devote additional resources to the CUPA program immediately. Recruitment has begun for county vacancies and interviews for new hires will begin during the second week of June. In addition, Cal/EPA recommends that at least one staff be trained and wholly devoted to all Unified Program elements (or CUPA-only functions) with additional resource(s), if any, from the county to be cross-trained in the CUPA program. However, if it is not feasible to have at least one staff exclusively devoted to the CUPA program, then all staff members of the Del Norte County Health and Human Services, Public Health Branch, Environmental Health unit are recommended to be cross-trained in the CUPA program; this requires that each staff be fully trained to be able to administer, implement, and enforce the CUPA program.

- 4. Observation:** The CUPA's I&E Program Plan is outdated. For example, inspection and enforcement requirements for aboveground storage tank (AST) facilities are outdated since the new state Aboveground Petroleum Storage Act (APSA) has been in effect since January 1, 2008. As a second example, the CUPA's data management as stated on page 12 of the I&E Program Plan, inspection and enforcement actions are tracked using Envision. However, the CUPA no longer uses Envision for tracking inspections and enforcement actions taken for each regulated facility. The CUPA currently uses Access for tracking inspections on UST facilities only.

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Recommendation: Ensure that the revised I&E Program Plan reflects the new APSA program and contains the CUPA's current policies and procedures.

5. **Observation:** Based on a review of the hazardous waste generator facility files, three different types of inspection forms are available to document a hazardous waste generator inspection. One form was the one-page inspection sheet mentioned in deficiency 6; a second form was a general inspection form that listed "common CUPA violations" for all Unified Program elements excluding the UST program. The third form is a detailed inspection checklist specifically for the hazardous waste generator program, including three columns for Class I, II, or Minor violations, compliance/non-compliance check boxes (including non-applicability), and an area for notes, comments or additional observations. A separate form is used for a summary of violations/notice to comply, which is also a means for a facility to self-certify for minor violations. Each of the three inspection forms were used inconsistently; at times, the class of violations, the consent to inspect, the compliance/non-compliance check boxes, and/or the RTC date were not identified or checked.

Recommendation: Cal/EPA recommends that each inspection forms are completely filled out for consistency of inspections by all CUPA staff. The CUPA is also encouraged to use the detailed generator inspection checklist for its hazardous waste generator inspections.

6. **Observation:** The UST Permit to Operate states that monitoring records are to be maintained for one year; however the required time frame is three years.

Recommendation: The SWRCB recommends that the Permit to Operate/Conditions be revised to require that the monitoring records be maintained for three years.

7. **Observation:** The CUPA outlines the basic monitoring requirements for the tanks and piping in the permit conditions but does not include all of the monitoring aspects, such as leak detectors.

Recommendation: The SWRCB recommends that all monitoring aspects of the tanks and piping be written into the permit conditions; if there are different monitoring options for different tanks, the monitoring for these should be specified separately.

8. **Observation:** The information for Annual Summary Reports 3 and 4, and Significant Operational Compliance (SOC), and Red Tag are determined by a file review process.

Recommendation: The SWRCB recommends adding fields into the UST database for violations information, RTC date(s), SOC items (based on the reporting criteria a, b, c and d), and so forth for easy retrieval and report completion.

9. **Observation:** The CUPA's CalARP performance audit report, which was included in its annual self audit report, was missing a few elements. However, the CUPA currently has only one CalARP facility remaining within its jurisdiction. In addition, this facility is in the process of replacing its existing disinfecting system of using chlorine gas with that of a less dangerous chemical, and, in so doing, eventually removes this facility from being regulated under the CalARP program.

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Recommendation: Until the regulated substance (chlorine) is no longer present at the stationary source, the facility remains subject to the CalARP program. Therefore, the CUPA will need to incorporate all the required elements of a CalARP performance audit as outlined in California Code of Regulations title 19, section 2780.5. However, once the chlorine is no longer present at the stationary source, then a CalARP performance audit is not required.

10. Observation: Pursuant to Health and Safety Code chapter 6.95, section 25508 (b), the CUPA has designated the County Agricultural Commissioner to conduct business plan program inspections of agricultural handlers. No formal agreement between the CUPA and the County Agricultural Commissioner exists.

Recommendation: OES recommends that a formal agreement between the CUPA and the County Agricultural Commissioner be established to set inspection:

- Standards;
- Procedures;
- Schedules;
- Quotas; and
- Frequencies.

EXAMPLE OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA has an excellent relationship with its regulated community. The one remaining CUPA staff Mr. Leon Perreault is strongly dedicated to environmental protection and public safety, which is evident through his personal efforts in educating each and every one of the regulated business community. Much of the regulated facilities now regard the CUPA as a resource and not an enemy. This has made compliance much easier to achieve.